SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

----------X

MICHAEL ZEVLAKIS,

Plaintiff,

- against -

THE CITY OF NEW YORK

Defendants.

----------X

SUMMONS

Index No.:

Date Filed:

Plaintiff resides at:
2109 19th Street
Astoria, New York 10105

TO THE ABOVE NAMED DEFENDANT (S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action by serving an answer, or a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is place of occurrence.

Dated: Garden City, New York
November 18, 2014

Yours, etc.

Decolator, Cohen & DiPrisco, LLP

By: Joseph L. Decolator, Esq.
Attorneys for Plaintiff
1399 Franklin Avenue, Suite 300
Garden City, New York 11530
(516) 742-6575

DEFENDANTS' ADDRESSES:

THE CITY OF NEW YORK
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

----------X

MICHAEL ZEVLAKIS,

VERIFIED COMPLAINT

Plaintiff,

-against-

Index No.

THE CITY OF NEW YORK,

Defendant.

----------X

Plaintiff, by his attorneys, DECOLATOR, COHEN & DIPRISCO, LLP, complaining of the defendant herein, respectfully shows to this Court and alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of Queens, State of New York.

2. Upon information and belief, at all times hereinafter mentioned, defendant, THE CITY OF NEW YORK, was and still is a municipal corporation and/or municipal entity organized and existing under and by virtue of the Laws of the State of New York.

3. That at all times hereinafter mentioned the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

4. That the plaintiff has complied with all of the conditions precedent to the bringing of this action against the defendant and has complied with the provisions of the statute in such cases made and provided; in particular has presented a claim hereinafter mentioned to the defendant for adjustment, and more than thirty (30) days have elapsed since the presentation of said claim and the claim remains unadjusted and the defendants have failed and/or refused to

make any adjustments of the same; and the plaintiff has prior to the institution of this action, and within ninety (90) days after the injuries herein described were received, duly served upon the comptroller of THE CITY OF NEW YORK, a notice of intention to sue upon said claim herein set forth; and the plaintiff has submitted to a hearing pursuant to General Municipal Law Section 50-h.

5. That this action is being commenced within one (1) year and ninety (90) days of the occurrence complained of herein.

6. This action falls within one or more of the exceptions set forth in CPLR 1602.

7. That on or about November 6, 2013, at approximately 6:00 a.m., the plaintiff was lawfully at or about 2109 19th Street, Astoria, New York.

8. That on or about November 6, 2013, at approximately 6:00 a.m., the defendant, by members of the New York City Police Department, 104th Precinct, while in the course of their employment with The City of New York and The New York City Police Department, falsely arrested and/or detained the plaintiff though the plaintiff had not committed a crime, and was not a proper suspect in a crime.

9. That the defendant, its agents, servants and/or employees at all times hereinafter mentioned had actual notice and knowledge of the false charges, arrest, and imprisonment of the plaintiff.

10. That by reason of the occurrence aforesaid, the plaintiff was caused to sustain serious and severe physical and emotional pain, stress and trauma and humiliation.

11. That the defendant, its agents, servants, and/or employees were careless, reckless and negligent in failing to properly train, instruct, supervise, monitor and control its agents, servants, and employees; the defendant, its agents, and employees were careless, reckless and

negligent in the performance of their law enforcement functions and duties; in that they failed to properly and adequately investigate the situation, question witnesses and respect and pay attention to the plaintiff himself, in falsely detaining, arresting and imprisoning the plaintiff in a careless, reckless and negligent manner; in negligently, carelessly and recklessly failing to prevent the aforesaid incident; in that the respective defendant failed to employ adequate, competent personnel, training, supervision and inspection; in that they maintained and controlled the detention facility in reckless disregard for the safety of plaintiff and others lawfully therein; and in that the respective defendant failed to employ sufficient and adequate personnel and employees.

12. That the said occurrence and the injuries and damages to the plaintiff resulting there- from were caused solely and wholly by reason of the carelessness, recklessness and negligence of the defendant.

13. That by reason of the foregoing, plaintiff has been damaged in an amount in excess of the maximum monetary jurisdiction of all lower courts.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF

14. The plaintiff repeats, reiterates and realleges all of the facts set forth in paragraphs "1" through "13", inclusive with the same force and effect as though more fully set forth herein.

15. The defendant, its agents, servants and/or employees deprived the plaintiff of due process and violated his Civil Rights under the constitution of the State of New York and the United States of America, as well as all applicable Civil Rights statutes, laws, ordinances, rules and regulations of the City and State of New York and the United States of America/Federal Government.

16. The plaintiff was injured.

17. The plaintiff was seriously injured.

18. By reason of the foregoing, the plaintiff has been damaged in an amount in excess of the maximum monetary jurisdiction of all lower courts.

AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFF

19. The plaintiff repeats, reiterates and realleges all of the facts set forth in paragraphs "1" through "18", inclusive with the same force and effect as though more fully set forth herein.

20. The defendant, its agents, servants and/or employees wrongfully, unlawfully, falsely and maliciously held, confined, restrained and imprisoned the plaintiff, handcuffed him, falsely arrested him, and deprived him of his liberty.

21. The plaintiff was injured.

22. The plaintiff was seriously injured.

23. By reason of the foregoing, the plaintiff has been damaged in an amount in excess of the maximum monetary jurisdiction of all lower courts.

AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF

24. The plaintiff repeats, reiterates and realleges all of the facts set forth in paragraphs "1" through "23", inclusive with the same force and effect as though more fully set forth herein.

25. On or about November 6, 2013, the defendant, its agents, servants and/or employees falsely arrested the plaintiff as no crime had been committed and in that there was no reason or cause for belief that plaintiff had committed any crime.

26. The defendant, its agents and employees falsely arrested, detained and imprisoned the plaintiff without proper and legal cause or justification.

27. In doing all the acts and things aforesaid, the defendant, its agents, servants and/or

employees acted willfully and maliciously.

28. The plaintiff was seriously injured by the foregoing.

29. By reason of the foregoing, the plaintiff was greatly humiliated and subjected to mental and bodily distress and damage and severe and permanent injuries, all to his damage in an amount in excess of the maximum monetary jurisdiction of all lower courts.

WHEREFORE, the plaintiff demands judgment against the defendant in the First, Second, Third, and Fourth Causes of Action in an amount in excess of the maximum monetary jurisdiction of all lower courts, all together with the costs and disbursements of this action.

Dated: Garden City, New York
November 18, 2014

Yours, etc.

Decolator, Cohen & DiPrisco, LLP

By: Joseph L. Decolator, Esq.
Attorneys for Plaintiff
1399 Franklin Avenue, Suite 300
Garden City, New York 11530
(516) 742-6575

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

☒ **Certification By Attorney** certify that the within has been compared by me with the original and found to be a true and complete copy.

☐ **Attorney's Affirmation** state that I am the attorney(s) of record for Plaintiff in the within action; I have read the foregoing Summons and Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by plaintiff is because plaintiff resides in a county other than the one in which your deponent maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: conversations with plaintiff and office records.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: Garden City, New York;

.....
The name signed must be printed beneath

JOSEPH L. DECOLATOR

STATE OF NEW YORK, COUNTY OF ss.:

I, the undersigned, being duly sworn, depose and say: I am

Check Applicable Box

☐ **Individual Verification** in the action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ **Corporate Verification** the of a corporation and a party in the within action; I have read the foregoing and know the contents thereof; and the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF ss.: (If more than one box is check—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On I served the within

Check Applicable Box

☐ **Service By Mail** by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ **Personal Service on Individual** by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as *a party therein*:

☐ **Service by Electronic Means** by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

☐ **Overnight Delivery Service** by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Sworn to before me on

.....
The name signed must be printed beneath

Index No. Year RJI No. Hon.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

MICHAEL ZEVLAKIS,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

SUMMONS AND COMPLAINT

DECOLATOR, COHEN, & DIPRISCO, LLP
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Attorneys for Plaintiff
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1399 Franklin Avenue • Suite 300
GARDEN CITY, NEW YORK 11530
TEL: (516) 742-6575
FAX: (516) 742-6706

To

Attorney(s) for

Signature (Rule 130-1.1-a)

Print name beneath Joseph L. Decolator

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named court, at on at M

Dated,

Yours, etc.

DECOLATOR, COHEN, & DIPRISCO, LLP
ATTORNEYS AT LAW
Attorneys for
Office and Post Office Address
1399 Franklin Avenue • Suite 300
GARDEN CITY, NEW YORK 11530

To

Attorney(s) for